

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ELIZABETH ROSE WENZLER,

Plaintiff,

v.

MALIK HAMIM, *et al.*,

Defendants.

Case No. 2:24-cv-02074-DAD-JDP (PS)

FINDINGS AND RECOMMENDATIONS

THAT PLAINTIFF'S MOTION FOR
INJUNCTIVE RELIEF BE DENIED

ECF No. 11

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Plaintiff has filed a motion for injunctive relief. The motion centers around a list of apparent grievances, bearing little obvious connection to each other. *See* ECF No. 11. For example, plaintiff states that an unidentified person egged her car and stole her hubcaps, that she suffered an injury to her spine and ankle from a car accident in October 2020, that an unidentified woman came to her home looking for a cat, and that the children bounced balls in front of her home. *Id.* at 1-2. The remainder of the motion consists of blurry, black and white photographs, which appear to be pictures of an ankle, automobiles, and people on streets, as well as the door of car. *Id.* at 3-12.

To obtain injunctive relief, plaintiff must show (1) likelihood of success on the merits; (2) likelihood of irreparable harm in the absence of preliminary relief; (3) that the balance of equities tips in [her] favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res.*

1 *Def. Council, Inc.*, 555 U.S. 7, 20 (2008). “The first factor under *Winter* is the most important—
2 likely success on the merits.” *Garcia v. Google, Inc.*, 786 F.3d 733, 740 (9th Cir. 2015).

3 Here, as indicated in my August 26, 2024 order, plaintiff has failed to state a claim—and
4 so she is not likely to succeed on the merits. She further makes no argument that absent
5 injunctive relief she will suffer irreparable harm; she fails to address any other prong of the test
6 for injunctive relief. As plaintiff has not shown irreparable harm, that the balance of equities
7 weighs in her favor, or that an injunction would serve the public interest in this case, I
8 recommend that plaintiff’s motion for injunctive relief be denied.

9 Accordingly, it is hereby RECOMMENDED that plaintiff’s motion for injunctive relief,
10 ECF No. 11, be denied.

11 These findings and recommendations are submitted to the United States District Judge
12 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days of
13 service of these findings and recommendations, any party may file written objections with the
14 court and serve a copy on all parties. Any such document should be captioned “Objections to
15 Magistrate Judge’s Findings and Recommendations,” and any response shall be served and filed
16 within fourteen days of service of the objections. The parties are advised that failure to file
17 objections within the specified time may waive the right to appeal the District Court’s order. *See*
18 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
19 1991).

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21 IT IS SO ORDERED.

22 Dated: August 29, 2024

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24 JEREMY D. PETERSON
25 UNITED STATES MAGISTRATE JUDGE
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